

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EMA FINANCIAL, LLC,

Plaintiff,

-against-

JOEY NEW YORK INC., et al.,

Defendants.  
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USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED

DOC #: \_\_\_\_\_

DATE FILED: 5/4/2021

17-cv-9706 (VSB)

**ORDER**

VERNON S. BRODERICK, United States District Judge:

In light of the recent filings submitted on April 9, 2021 and April 16, 2021 in the above-captioned case, it is hereby:

ORDERED that a five-day bench trial will be held in this case beginning on June 14, 2021 at 10:00 a.m. The parties are directed to file any revised joint pretrial order, as well as any motions in limine, on or before May 21, 2021. Any oppositions to motions in limine are due on June 7, 2021.


IT IS FURTHER ORDERED that default judgment will be entered as to liability against the corporate Defendants—Joey New York, Inc., Rar Beauty, LLC, Labb, Inc., and Reflex Productions, Inc. if an attorney does not file a notice of appearance on or before May 7, 2021. It has been months since I granted Defendants' counsel's motion to withdraw as counsel, and still no one has entered a notice of appearance to represent them despite my repeated warnings that the corporate Defendants cannot go unrepresented. Now, nearly a month has gone by since our last conference in this case, and no attorney has filed a notice of appearance to represent either Richard Chancis or the corporate defendants. *See* (Doc. 134.)

IT IS FURTHER ORDERED that Defendant Richard Chancis may represent himself pro se in this litigation. He is permitted to seek and retain counsel, but I will not further delay proceedings in this case for him to do so.

IT IS FURTHER ORDERED that the requests of Defendants Joey Chancis and Richard Roer to subpoena witnesses and/or reopen discovery are DENIED. The disagreement between Defendants Joey Chancis and Richard Roer, *see* (Doc. 131), and Plaintiff, *see* (Doc. 139), is over whether Plaintiff qualifies as a “dealer” or “trader” under federal securities law. This is primarily a legal question and one that, as both parties acknowledge, there is a fair amount of case law discussing. I do not believe that Defendants have made the extraordinary showing necessary to justify their request, given that they were adequately represented by counsel up until the eve of trial.

SO ORDERED.

Dated: May 4, 2021  
New York, New York

  
Vernon S. Broderick  
United States District Judge